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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/52/726)*]

52/218. Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and on conditions of service for the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Tribunal for Rwanda,[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Noting the improvement in the presentation of the report of the Secretary-General,[1] which was made available in a timely manner and prepared on a full-cost basis with information on the annual cost of new

[1] A/C.5/52/13 and Corr.1.

[2] A/52/520.

[3] A/52/697.

posts and performance indicators, as recommended by the Advisory Committee during its previous consideration of the matter,[4]

1. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

2. *Notes* that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. *Requests* the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities of the International Tribunal for Rwanda;

4. *Also requests* the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 13 of General Assembly resolution 51/215 B of 13 June 1997;

5. *Requests* the Board of Auditors, in accordance with articles X and XII of the Financial Regulations and Rules of the United Nations, to report on the ex gratia payments referred to in paragraph 11 of the report of the Advisory Committee;

6. *Agrees* that the consideration of the pension entitlement for members of the International Tribunal for Rwanda should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

7. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 24 of its report;

8. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 56,736,300 United States dollars gross (50,879,100 dollars net) for the period from 1 January to 31 December 1998;

9. *Recalls* its resolutions 49/251 of 20 July 1995, 50/213 A of 23 December 1995, 50/213 B and C of 11 April and 7 June 1996, 51/215 A of 18 December 1996 and 51/215 B of 13 June 1997, by which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda, to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

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[4] See A/51/7/Add.8 and Corr.1 and 2. For the final text, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 7*.

10. *Recognizes* that the unencumbered balance in the Special Account for the Assistance Mission is 2,060,700 dollars gross;

11. *Decides* to apportion the amount of 28,368,150 dollars gross (25,439,550 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998, as detailed in the annex to the present resolution;

12. *Decides also* to apportion the amount of 26,307,450 dollars gross (23,894,050 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998, after taking into account the unencumbered balance of 2,060,700 dollars gross (1,545,500 dollars net) in the Special Account for the Assistance Mission referred to in paragraph 10 above;

13. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,342,000 dollars approved for the International Tribunal for Rwanda for the period from 1 January to 31 December 1998.

79th plenary meeting
22 December 1997

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	56 736 300	50 879 100
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	28 368 150	25 439 550
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	28 368 150	25 439 550
Less: Unencumbered balance in the Special Account for the United Nations Assistance Mission in Rwanda	(2 060 700)	(1 545 500)
Balance of assessment based on the scale of assessments for peacekeeping operations	26 307 450	23 894 050